

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

WAYNE ALLEN BEAHM,

Petitioner,

v.

CIVIL ACTION NO. 5:21-cv-00547

D.L. YOUNG and
P. BOULET and
B. FAIN and
ROGER EDWARDS and
S. VEST and
J. DOTSON and
S. PHIPPS and
M. GIBSON and
R. BROTRELL and
FEDERAL CORRECTION INSTITUTION BECKLEY,

Respondents.

ORDER

Pending is Defendant Dotson's Motion to Dismiss [Doc. 33], filed January 26, 2022. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on February 23, 2022. Magistrate Judge Aboulhosn recommended that the Court grant Mr. Dotson's Motion to Dismiss, dismiss Petitioner Beahm's Complaint as to Defendant Dotson, and refer the matter back for further proceedings as to the remaining defendants.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation

to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on March 14, 2022. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 46**], **GRANTS** Mr. Dotson’s Motion to Dismiss, **DISMISSES** the Complaint as to Mr. Dotson [**Doc. 2**], and **REFERS** the matter back to Magistrate Judge Aboulhoshn for further proceedings as to the remaining defendants.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: April 26, 2022



Frank W. Volk
 Frank W. Volk
 United States District Judge